THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25875 of 2005

Dated: 22.06.2006

Between

K. Sri Ramulu

…..Petitioner

and

1. The District Collector and District Election
   Election Authority, Visakhapatnam,
   Visakhapatnam District and others

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No. 25875 of 2005

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ORDER:

This writ petition is filed by an individual purported to be the member of the Anakapalli Divisional Postal E.D. Employees Co-operative Credit Society Limited, seeking a Mandamus declaring the action of the respondents in postponing the election process without assigning reasons as illegal and arbitrary and consequently direct the respondents to conduct the election process forthwith.

It is the case of the petitioner that the 1st respondent Collector and District Election Authority Visakhapatnam District issued order dated 10.10.2005 appointing one S.S.S. Chandra Kumar SI/A as the Election Officer to conduct the elections for constituting the Managing Committee of Co-operative Societies coming under the purview of B Group Electoral College of DCCB Limited, and DCMS Ltd., Visakhapatnam. Therefore, he had to conduct elections to the Managing Committee of Anakapali Division Postal Extra Dept., Employees Cooperative Society, Anakapalli as per the provisions of the APCS Act 1964 and APCS Rule 1964 framed thereunder. As per the schedule, the election process should have completed by 10.11.2005. Further, as per Rule 48 of APCS Rules, 1964 the required deposit was remitted by the Cooperative Society on 13.10.2005 for Rs.5,000/-. But for the reasons best known to the respondents, the process of the election was withheld.

A detailed counter affidavit has been filed by the 2nd respondent, inter alia, stating that the election authority has not withheld or cancelled the election process. The Election Officer could not conduct the elections only because of non-availability of

connected records. Neither the election authority nor the election officer are at fault for not conducting the elections to the Managing Committee.

In view of the above, without expressing any opinion on merits, the respondents are directed to conduct elections to the society, if not already conducted, within a period of one month, from the date of receipt of a copy of this order, and the previous Managing Committee of the society shall forth with place all the records necessary for conducting the elections before the Election Officer, who was already appointed.

Writ Petition is disposed of accordingly. No costs.

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22.06.2006

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